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Patty Sands, *Editor*

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# PSCnews

## *Public Service Commission of South Carolina*

Volume 2, Issue 2

May 2006

### E-FILING Now Available on DMS

The Public Service Commission of South Carolina recently added yet another feature to its Docket Management System (DMS.) Users can now electronically file matter related to a new or existing docket. This feature enables users to submit their documents electronically from their computer via the Commission's website. Since most documents are prepared using software on personal computers, this addition allows users to submit their documents with just a few clicks of a button.

To facilitate the launching of this feature, the PSC held several training sessions to provide instruction, documentation and hands-on practice. The sessions were led by Bret Stenhouse of ICAP, the developer of the software, with assistance from Jocelyn Boyd, Deputy Clerk. During the training sessions, step by step instructions were given and attendees were encouraged to ask questions and participate in the hands-on practice

sessions.

Electronic filing can be accessed on the internet using the DMS website address <http://dms.psc.sc.gov/efile>. All electronic filings must be in a PDF text searchable format. In addition to the electronic copy, users must submit an



original and one copy of the e-filing to the Commission within three business days of receipt of the electronic filing. Confidential filings should be mailed or hand delivered to the Commission. Electronic filing is not required; however, it is available to parties for their convenience.

### **Commissioners Re-Elected**

On May 24, 2006, the South Carolina General Assembly re-elected Mignon L. Clyburn, 6th Congressional District; Elizabeth B. Fleming, 4th District; and David A. Wright, 2nd District as commissioners with the Public Service Commission of South Carolina. Their terms will continue until 2010.



## From the Chair...Randy Mitchell



In Act 175 of 2004, the General Assembly restructured the Public Service Commission and made the agency subject to the Code of Judicial Conduct (CJC), the first quasi-judicial body in state government to be subject to these rules. When the law took effect on January 1,

2005, the Public Service Commission took strong measures to avoid even the appearance of impropriety in its operations. We developed a number of policies to implement the CJC, all of which affect our communications with members of the public, the regulated community, and the legislature.

One of the fundamental principles of the CJC is the avoidance of *ex parte* communications regarding matters which are part of a case or which may become part of a case before the Commission. "*Ex parte*" is a Latin phrase meaning "by one side"; in the context of the CJC it refers to communication by one party in a dispute without the presence of the others. *Ex parte* communications are improper because the party presenting the communication gains an unfair advantage by depriving its opponents of the chance to respond to its arguments.

Commissioners will not engage in off the record discussions about a matter pending before the Commission or a matter which could arise before the Commission. Virtually everyone who practices before the Commission understands this rule, and I have found it to be scrupulously adhered to by the regulated community. However, it can be more difficult to avoid inadvertent *ex parte* communications. One of the ways the Commission avoids inadvertent *ex parte* communications is having our staff screen the mail. When an *ex parte* communication pertaining to a case is received, the correspondent is informed of the rule against such communications, and a copy of the letter or email is sent to all parties in the case as well as published to the case's docket file, which is publicly accessible on our website ([www.psc.sc.gov](http://www.psc.sc.gov)).

We also have measures in place to automatically forward Commissioners' "constituent requests" to the Office of Regulatory Staff, the agency now responsible for the informal complaint resolution process. Before Act 175, Commissioners were charged with the

informal resolution of consumer complaints as well as the resolution of formal quasi-judicial complaints. However, because an informal complaint that goes unresolved could eventually lead to a formal proceeding before the Commission, it would be improper for the Commission to try to resolve these customer disputes because *ex parte* communications would most likely result in the process.

The Commission has also relied on outside experts for education on legal ethics and designated specific personnel to handle matters such as ethics compliance. This past December, a panel of experts presented a workshop on ethics to the commissioners and staff. In addition, an internal publication that addresses current issues related to ethics is distributed.

These are only a few of the measures that we have taken to ensure compliance with Act 175 and the CJC. We believe that the compliance process is dynamic and interactive. I fully expect that we will devise new measures as we learn of new issues and gather ideas on how to address them.

## Community Service



Deputy Clerk Jocelyn Boyd with Southeast Middle School student at the 2006 Career Fair

On March 6, 2006, Deputy Clerk Jocelyn Boyd participated in Southeast Middle School's Career Fair. Jocelyn was one of a number of professionals invited to speak to students at the school. Career fairs allow the students to learn more about the different opportunities available to them as adults and what skills or talents they will need to be successful.

Jocelyn made a very colorful presentation on her educational background and duties as the deputy clerk at the PSC. Afterwards she fielded questions from the audience. Jocelyn surely inspired several students to study hard and get a good education. The PSC is always willing to participate in community service events, especially when they benefit our youth.

## In Brief...

By *Charlie Terreni, Chief Clerk and Administrator*



Consider these facts about the legal profession:

- A recent nationwide survey of lawyers showed that seventy percent had major problems handling family and household responsibilities and finding time for leisure activities.
- Almost half of the lawyers surveyed felt high levels of stress and fatigue.
- About two thirds of those surveyed say they are forced to sacrifice personal fulfillment outside of work to advance their careers.
- One out of every five lawyers will develop problems related to substance abuse.
- Lawyers are almost four times more likely to experience depression than the general population, the highest of one hundred professions surveyed.

We must recognize that these wounds are self-inflicted and that we all need to create a better environment in which to practice law. We can:

- Treat each other with consideration and respect; our tribunals must also expect lawyers to do so. The State Supreme Court has recognized this through its civility initiatives.
- Refer friends and colleagues to programs such as Lawyers Helping Lawyers when necessary. (J. Robert Turnbull Jr., Director, toll-free helpline 1-866-545-9590, [robert.turnbull@scbar.org](mailto:robert.turnbull@scbar.org))
- Revisit rules of practice and find other ways to make it easier for lawyers to present their cases in a professional manner.

We will try to put these principles into practice as we conduct the business of the Public Service Commission.

## Josh Minges, Staff Attorney

Josh Minges joined the Public Service Commission in March. He relocated to Columbia from the Washington, D.C., area where he was employed with the U.S. Environmental Protection Agency as an attorney in the Office of Administrative Law Judges. Prior to working with the EPA, Josh interned with the Vermont Public Service Board.



Josh received a Bachelor of Science degree in biology from the College of Charleston and a Masters degree in Environmental Law and his Jurist Doctorate from the Vermont Law School in South Royalton, VT.

Having grown up in eastern North Carolina, Josh is pleased to be back in the Carolinas. His parents and sister still reside in North Carolina. Josh lives in Gilbert on Lake Murray and enjoys the more relaxed atmosphere that the lake has to offer over the D.C. lifestyle.

For recreation, Josh likes to hike, sail, jog, ski, and scuba dive. He enjoys traveling to remote places to go hiking and backcountry skiing. Since the snowfall is rather limited in South Carolina, Josh will have to take up water skiing next!

Welcome to the PSC, Josh.

## Announcement



Congratulations to Randall and Tracy Skipper Dong on the birth of their son. Aidan Randall Pang Dong was born April 4, 2006. The Dong Family is elated with their new addition and are adjusting to a new lifestyle. Randall is a staff attorney at the PSC.

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